

**HIGH COURT OF TRIPURA
AGARTALA
LA APP NO.22 OF 2022**

Majida Begam

..... **Appellant(s)**

Vs.

**The Deputy Chief Engineer(Con),
Agartala, N.F. Railway and anr.**

..... **Respondent(s).**

For the Appellant(s) : Mr. P. Rathor Advocate.
Mr. D.C. Saha, Advocate.

For the Respondent(s) : Mr. A. De, Advocate.

Date of hearing and delivery of
Judgment & Order : 26.07.2023

Whether fit for reporting : YES/NO.

HON'BLE MR JUSTICE T. AMARNATH GOUD

JUDGMENT AND ORDER(ORAL)

This present has been filed under Section 74 of the Right to Fair Compensation and Transparency in the Land Acquisition, Resettlement and Rehabilitation Act, 2013 against the Judgment and Award dated 29.12.2021 in connection with Land Acquisition Case No.70/2017 passed by the Land Acquisition, Rehabilitation and Resettlement Authority, West Tripura, Agartala for enhancement of the amount of award.

2. The brief fact of this case is that the appellant is the owner and possessor of land situated under Mouja-Charipara, Tahasil-Badharghat Revenue Circle-Dukli, recorded in Khatian

No.3588 total land measuring 200 sataks. The respondent for the construction of Agartala Akhaura New Railway Line project at Mouja Charipara Sheet No.1 and 2 under Sadar-Sub-Division West Tripura acquired the land measuring 0.030 acres, recorded in Khatian No.3588, plot No.6332/P. The land is classified as 'Na/' owned by the appellant. The respondents after completion of legal formalities awarded a compensation of Rs.1,06,706/- per kani only assessed by the L.A. Collector. The appellant herein accepted the said compensation under protest and also filed a written objection to the respondents praying for reference to the authority stating the grounds for such objection and prayed for referring the case to the learned Land Acquisition, Rehabilitation and Resettlement Authority for proper determination of compensation. The same was registered as L.A. Case No.70/2017. The appellant submitted her claim statement on 25.05.2018. Respondents No.2 & 3 also filed their counter statements. After recording of evidence and hearing both parties, based on the documents on record, the Land Acquisition Rehabilitation and Resettlement Authority, West Tripura, Agartala awarded an amount of Rs.6,90,000/- only per kani along with other statutory benefits.

3. Being aggrieved and dissatisfied with the Judgment and Award, the appellant preferred this present appeal seeking to modify the judgment and award dated 29.12.2021 passed by the

Land Acquisition Rehabilitation and Resettlement Authority, Agartala, West Tripura by setting aside the deduction of 60% made by the authority and also adding proportionate increment of solatium and interest payable, etc.

4. Heard Mr. P. Rathor, learned counsel along with Mr. D.C. Saha, learned counsel appearing for the petitioner as well as Mr. A. De, learned counsel appearing for the respondents.

5. Mr. Rathor, learned counsel appearing for the petitioner submits that the award given by the Land Acquisition, Rehabilitation and Resettlement authority is on the lower side because the acquired land has all modern facilities like roads, electricity, water supply, etc, and urged this Court to modify the impugned judgment and award.

6. On the other hand, Mr. A. De, learned counsel submits that awarded amount is just and proper and needs no interference.

7. Heard both sides and perused the evidence on record.

8. On perusal of the award dated 29.12.2021, it is seen that while fixing the said award of Rs.6,90,000/- per kani along with other statutory benefits, the reasoning given by the Land Acquisition, Rehabilitation and Resettlement Authority, Tripura is not convincing since in respect of the same Notification and Mouja, the adjoining land of the neighbours who are also the core

claimants, there the L.A. Judge has fixed Rs.16,00,000/- per kani along with statutory benefits. The same has been decided vide case No. L.A. App. No.25 of 2022 along with CO(FA) No.14 of 2022. In the said appeal filed by the N.F. Railways, and the cross objection filed by the claimants seeking enhancement, this Court dismissed both the appeal and the cross objection upholding the award of Rs.16,00,000/- along with statutory benefits as passed by the L.A. Judge vide Judgment and Order dated 20.07.2023.

9. In view of the same, the present appeal is accordingly allowed enhancing the award from Rs.6,90,000/- per kani to Rs.16,00,000/- along with all statutory benefits. The respondents shall deposit the amount within a period of 3(three) months from today. On depositing the same, the claimants are at liberty to withdraw the amount unconditionally.

10. With the above observation and direction, this present appeal stands allowed to the extent indicated above. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

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SUHANJIT
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by RAJKUMAR
SUHANJIT SINGHA
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